

BOARD OF PERSONNEL APPEALS
MINUTES – JUNE 16, 2011 MEETING

PRESENT:

Jack Holstrom, Presiding Officer
Karla Stanton, Board Member - by telephone
Jerry Rukavina, Alternate Board Member
Jay Reardon, Board Member
Steve Johnson, Board Member

STAFF ATTENDING:

Marieke Beck, Board Attorney	Ron Stormer
Tonya McCormack	John Andrew
Paul Melvin	Joe Maronick

BOARD BUSINESS

APPROVAL OF MINUTES (.54-2.52):

December 16, 2010 Minutes were approved. Member Reardon moved to approve December's minutes and Board Member Stanton seconded. December minutes passed 4-0. For March 17, 2011 minutes there was not enough Board members in attendance and these will be moved to a conference call to get approval. The May 19, 2011 Board minutes were approved. Member Johnson moved to approve May's minutes and Member Rukavina seconded the motion. May's minutes passed 3-0.

NEXT MEETING DATE (2.53-3.12):

The next meeting is scheduled for July 21, 2011, pending an appeal.

PUBLIC COMMENT (HOUSE BILL 94) (3.13-3.25):

No comments were made.

ATTORNEY COMMENTS – BOARD ATTORNEY MARIEKE BECK (3.26-5.20):

Board Attorney Marieke Beck stated that she has not had the time to work on the stay rule portion of the Rules project. The Rule Hearing for the decertification portion is scheduled for June 30th. Board Attorney Marieke has received three comments in regards to the decertification rule and will pass along to the Board.

MISCELLANEOUS

SB 120 – State Agency Board Member Information to be published on website:
Presiding Officer Jack Holstrom, Board Member Reardon and Alternate Board Member Jerry Rukavina did not have any issues with their contact information being on the Board of Personnel Appeals website.

Board Secretary Windy Knutson also stated that the Arbitration and Labor's Relation Conference will not have a BOPA meeting in September. However, there will be a session on the Board of Personnel Appeal's Fundamentals of the Act.

ORAL ARGUMENT – UNFAIR LABOR PRACTICE 9-2011

Montana Public Employees' Association v. Montana Department of Transportation

Jack Holstrom was the Presiding Officer in this matter. Carter Picotte appeared before the Board to represent Montana Public Employees' Association; Margie Thomas appeared before the Board to represent the Montana Department of Transportation.

The matter before the Board was to determine if the Hearings Officer erred in his dismissal and by granting summary judgment to the Montana Department of Transportation. Argument was heard, questions were asked by Board Members. Member Reardon motioned that Unfair Labor Practice 9-2011, MPEA vs. Montana Department of Transportation be remanded to the Hearings Officer to conduct a hearing on the merits of the charge. Member Rukavina seconded the motion. Motion passed 3-2.
